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SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 November 1997, at 3 p.m.

Chairperson: Mr. ALSTON

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1997/SR.41/Add.1.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Azerbaijan (E/1990/5/Add.30, HRI/CORE/1/Add.41/Rev.2, E/C.12/Q/AZE.1) (continued)

1. At the invitation of the Chairperson, Mr. Gadjiev, Mr. Ragimov, Mr. Khalafov and Mrs. Eivazova (Azerbaijan) took places at the Committee table.

Article 11

2. Mrs. JIMENEZ BUTRAGUEÑO said that, according to a World Bank report, many civil servants were imposing unofficial taxes on small and medium-sized enterprises for their own personal profit. She would like to know whether it was true that such exactions were being made.

3. Mr. GADJIEV (Azerbaijan), replying to the questions concerning the implementation of article 11, said that the economic situation and, consequently, the people's standard of living had seriously deteriorated. To remedy that situation, the Government had undertaken to reform both industry and agriculture, in particular with the assistance of the World Bank.

4. It was true that the black market, which had already existed during the Soviet era, was relatively developed and constituted a source of income for a sizeable part of the population.

5. Concerning agriculture, the law on the ownership of real estate allowed citizens to acquire plots of land and to cultivate them as they wished. They could therefore consume part of their output and sell the rest on the markets. The Government was furthermore endeavouring to improve the structure of the agrarian sector. Some encouraging results had been recorded, particularly with regard to cereal production. Fishing in the Caspian Sea also constituted a source of income for part of the population.

6. On the question of the flight of capital, he said it was very difficult to quantify that phenomenon but the fiscal authorities would obviously have to redouble efforts to remedy the problem.

7. With regard to housing, he was not aware of any case of forced eviction. The Government had embarked upon the privatization of residential buildings while preserving the system of low-cost housing provided by the State for disadvantaged categories of the population.

8. Mr. RAGIMOV (Azerbaijan) said that, with the help of the World Bank, the Government had launched a programme to assist in the creation and development of small and medium-sized enterprises; it provided, in particular, for a simplified procedure for such enterprises to be listed in the Business Register, tax incentives and the granting of loans at preferential rates.

9. With regard to standards of living, almost half of the population lived below the poverty line, which was calculated in relation to the prices of food products and essential goods and services. Social welfare measures were being taken to help people living below the poverty line.

10. Mr. GADJIEV (Azerbaijan) said that the country's favourable natural and climatic conditions and the efforts being made to restructure the agrarian sector and develop agricultural production should make it possible to reduce the shortage of basic foodstuffs and improve their quality.

11. Mrs. BONOAN-DANDAN said that she would appreciate some information about the situation in the refugee camps and about the steps being taken by the Government to deal with the refugee problem.

12. Mr. TEXIER asked what measures were being taken to cope with the housing shortage and how aid from the European Union for small agricultural producers was being used.

13. Mr. GADJIEV (Azerbaijan) said that the refugee problem could be resolved very simply if the occupied territories from which the persons concerned had been driven were liberated. The refugees were currently living either in retirement homes, rest homes or holiday centres and sanatoriums, mostly located near the Caspian Sea, or else in tent villages. The State paid each refugee a monthly allowance enabling him to meet his essential needs. Some items were distributed free of charge, especially clothing and vouchers for transportation. Refugee children were given priority for admission to institutions of higher education, where they were taught free of charge. New jobs were also being created for refugees. In addition to aid from the State and international humanitarian assistance, donations were made by non-governmental organizations (NGOs) and national charities.

14. Mr. GRISSA suggested that emphasis should be placed not on the political causes of the refugee problem but on humanitarian measures to deal with it.

15. Mr. SADI said that, for his part, he would like to know what stage had been reached in the peace process. It had to be acknowledged that the conflict was at the origin of many of the economic, social and cultural problems being experienced by Azerbaijan.

16. Mr. GADJIEV (Azerbaijan) said it was difficult to understand the consequences of a problem without knowing the causes. In any event, negotiations were under way, within the framework of the Organization for Security and Cooperation in Europe (OSCE), to settle the conflict. Various proposals had been made, namely the liberation of the occupied territories and then the setting of the conditions for Nagorny Karabakh autonomy, as well as measures to provide for the security of the region's inhabitants. The Government had accepted those proposals and hoped that the negotiations would soon be crowned with success. Some progress appeared to have been made recently insofar as the position of Armenia was concerned.

17. Concerning the 2 million refugees, it was true that despite the Government's efforts and international humanitarian assistance, their living conditions were poor, particularly in health and medical terms.

18. With regard to housing, the Government was currently drawing up a home ownership programme. Despite the economic difficulties, some housing had been built, including dwellings for disabled persons.

19. Mr. RAGIMOV (Azerbaijan) said that the Act concerning agrarian reform had been passed by the Parliament and a commission charged with its implementation had been set up. With the funds allocated by various organizations, 6 pilot farms had been created and a further 25 were soon to be established. The experience gained from those farms would be very useful for the privatization of other agricultural undertakings.

Article 12

20. Mr. SADI asked what steps the Government was intending to take to remedy the situation concerning drinking water and the environment. Judging from paragraphs 156, 163 and 164 of the report, that situation was extremely disturbing.

21. Mr. RIEDEL, referring to article 12, paragraph 2 (a), of the Covenant, said he would like to know what steps were being taken by the Government to reduce the stillbirth and infant mortality rates, to ensure children's healthy development and to increase the numbers of paediatricians and gynaecologists, which, according to paragraph 160 of the report, were very insufficient.

22. Mr. ADEKUOYE requested details about psychiatric care and about the measures being taken to prevent an increased incidence of tuberculosis among children.

23. Mrs. BONOAN-DANDAN said that, according to information provided by one NGO, women could give birth in hospital only if they were from a well-to-do background and could afford to pay for the service. That was contrary to the principle of free medical care, as referred to in paragraph 154 of the report.

24. According to another NGO, the lack of psychiatric institutions meant that some mentally ill persons were kept in the same cells as common criminals. Lastly, she would like to know what steps were being taken to help refugee children who had psychological problems.

25. Mr. GRISSA said that, according to some reports, the water was not always drinkable or the air breathable in the Baku region. Was the Government of Azerbaijan intending to devote some of its oil revenues to environmental protection and, more generally, to what was termed "non-productive" activities?

26. Mr. PILLAY, supported by Mr. TEXIER and Mrs. JIMENEZ BUTRAGUEÑO, asked whether Azerbaijan was planning to implement a comprehensive national health policy.

27. Mrs. JIMENEZ BUTRAGUEÑO, noting the high birth rate and the large number of abandoned children, asked whether there was a family planning system.

28. Mr. AHMED said that, according to one NGO report, Parliament had since April 1997 been considering a public health bill that would institute three

systems of health care - a federal system, a municipal system and a private system - and that a charge would be made for those services, thus putting an end to free health care in Azerbaijan. How did matters stand in that regard?

29. Mr. RATTRAY said he would like to know whether the problems were so great that it was impossible to galvanize the necessary national energies and will to deal with them and promote the country's development.

30. Mr. GADJIEV (Azerbaijan), replying to the questions relating to health, said that Azerbaijan had psychiatric hospitals to treat the mentally ill, specialized schools for mentally retarded children and institutions financed and controlled by the State which fully supported children and adults suffering from problems of that kind. There was also a special programme to cater for mentally retarded children using advanced teaching methods.

31. Concerning the reform of the health services, Parliament had examined a law to protect the health of people living in Azerbaijan. A reform of the health system was under consideration. With the help of international organizations, including the United Nations Children's Fund (UNICEF), some pilot projects were being pursued in one part of the country until the end of 1997. If the results were satisfactory, the reform would be extended countrywide. Parliament also had before it a bill that would institute a system of both compulsory and voluntary medical insurance. However, free health care would be fully maintained for people with low incomes. Medical services were currently free of charge for all and in all parts of the country. Azerbaijan did lack facilities, but much had been done in recent years, including the opening of an ophthalmology centre and an oncology centre in Baku, the building of several maternity hospitals and two centres for the rehabilitation of disabled persons. Lastly, there were some specialized institutions which, on the basis of a judicial decision, could admit persons who had committed serious acts but had been found not to be legally responsible by the courts.

32. There was no family planning in Azerbaijan. The State did not interfere in the private lives of citizens, who took whatever measures they felt appropriate in that regard. The number of marriages had fallen by half, but very few children were born out of wedlock or abandoned. That was to be explained by the traditions prevailing in Azerbaijan. The Government did not, therefore, have to regulate the birth rate.

33. The country's oil revenues would be partly reinvested in the oil industry and also partly directed towards the health sector, environmental protection, social welfare and education.

34. The Labour Code dealt with various aspects of the question of labour protection. Parliament had passed an act which aimed to improve working conditions, as well as health and safety at work, and provided for sanctions to be taken against employers in breach of the legislation. There were also laws to protect the family and the victim in cases of accidents at work, death or disablement. The number of industrial accidents had fallen from 433 in 1994 to 200 in 1995 and only 180 in 1996. In 1997, a presidential decree had set up a special national labour inspectorate with regional agencies throughout Azerbaijan. That service was responsible for ensuring compliance

with the labour legislation, particularly concerning safety measures and working conditions. Some inspectors were also provided by the trade unions.

35. Mrs. BONOAN-DANDAN said it was not enough merely to affirm that health care was free when there were reports of practices akin to corruption, especially in such sensitive areas as public health and particularly of reproductive health, where one of a woman's fundamental rights was concerned. When informed of such reports, a State was duty-bound to investigate them.

36. Mr. GADJIEV (Azerbaijan) replied that attention must, of course, be given to the matter and that such practices were shameful, although the case in question had to be an isolated one and not part of a widespread phenomenon. Doctors offering consultations free of charge were required not to make their patients pay for the services they provided. Concerning reproductive health, there were maternity clinics throughout the country, and any woman could give birth at home with the help of a qualified practitioner. Even the remotest areas had immediate access by air to every kind of service.

Articles 13 and 14

37. Mr. SADI said that education appeared to be a high priority in Azerbaijan. According to the Education Act, as referred to in paragraph 166 of the report, it was "of strategic importance" and the educational system was "built on national foundations and universal human values". However, according to information from one credible NGO, the education sector was in complete disarray. The Ministry of Education was said no longer to be able to exercise sufficient control over the educational system. Teachers' salaries were reportedly among the lowest in any sector. As part of the former USSR, Azerbaijan had been known for the quality of its teaching and its educational achievements, and it would be regrettable if that were no longer the case now the country had become independent. What was happening? Were further steps being considered to remedy the situation?

38. Mr. ANTANOVICH said it appeared that Azerbaijan ranked first in the Muslim world for the quality of its education and the rate of literacy of its population. It also appeared that the problem of the brain drain experienced by all the countries of the Commonwealth of Independent States was less acute in Azerbaijan. Had Azerbaijan maintained its standards? What proportion of the State budget was devoted to education? How many students were there in higher education, and in what kinds of institutions - private or public? What was the proportion of each type of institution?

39. Mr. MARCHAN ROMERO noted that, according to paragraph 167 of the report, citizens were "free to choose their form of education, educational establishment and language of instruction" but paragraph 7 of the core document spoke of a "republic of many nationalities", including Azeris, Russians, Armenians, Lezgins, Avars, Ukrainians, etc. He would like to know in what language teaching was provided, and to what extent citizens were free to choose the language of instruction they wished.

40. Mr. CEVILLE said that the Education Act of 7 October 1992, as mentioned in paragraph 166 of the report, reaffirmed the right of all citizens to education. However, according to the World Bank report on poverty,

expenditures on education had fallen by 25 per cent, and the number of pupils enrolled in schools by 50 per cent. What steps were being taken by the Government to improve the system and prevent its continued deterioration, and in general to make education accessible to everyone?

41. Mr. WIMER inquired about the role played by the Russian language. Was it a kind of lingua franca? How many Azeri and Russian speakers were there? In what cases were those and other languages used? In what language was instruction provided at the various levels? What was the Azerbaijani Government's policy on languages?

42. Mr. THAPALIA noted that the quality of education appeared to have declined considerably in recent time and that a financial contribution from families was required, to the detriment of the poorest families. It would appear that the administration was asking for families to participate in the maintenance and repair of schools. Families who could afford it reportedly arranged for their children to have private lessons to compensate for the poor quality of public education. How had that state of affairs arisen and what was the Government doing to remedy the situation? Was there any human rights education?

43. Mr. ADEKUOYE said that the State party's report made no reference to difficulties in the field of education. Was Azerbaijan encountering any difficulties? If so, what was the nature of those problems, and what solutions had been adopted or were being envisaged? What was the drop-out rate and the success rate at each level of education? How much did it cost a family to send a child to school, not in terms of tuition fees, but for the purchase of textbooks, maintenance of the child, etc.?

44. Mr. GRISSA noted that Azerbaijan now had more than 200 mosques, 5 Russian Orthodox churches, 3 synagogues, a Georgian Orthodox church, and so on (paragraph 8 of the core document). He would like to know more about religious instruction. Were the costs borne by the parents alone? Was it provided by private institutions? Were the public schools non-religious? What was the Government's attitude in that regard?

45. Referring to paragraph 174 of the report, Mr. RATTRAY said he wondered whether the school system in Azerbaijan was not, in fact, being privatized, with all that such a process implied in financial terms and regarding access to education for the most disadvantaged segments of the population. He would also like to know whether there was any difference in the quality of education depending on whether the school was fee-paying or not.

46. Observing that no answer had been given to question 40 in the written replies, Mrs. JIMENEZ BUTRAGUEÑO asked how much emphasis was placed on human rights education in Azerbaijan. She was surprised, moreover, that the Azerbaijani Republic had not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women and would like to know whether it intended to do so. She would also like to have more information about the situation of women in higher education. How many female students were there? Were there as many female as male students? Were there women teachers? Also, did the universities have contacts with the business world?

47. Mr. KHALAFOV (Azerbaijan) said that his country had always attached the highest importance to education and that, as stated in the report, 15 per cent of the national budget was devoted to education. Primary and secondary education was free and therefore accessible to all. The transition from a totalitarian system to a market economy system had enabled Azerbaijan to develop private education. Some private secondary schools and universities had thus been created. The quality of the teaching was better in higher educational institutions in the private sector than in those of the public sector. Almost all universities had faculties where teaching was provided in several languages, including not only Russian or Azeri but minority languages. One should not, however, rely solely on figures taken from NGO reports - such as those cited by some members of the Committee - to form an opinion of the situation in the field of education, since those figures might not always be entirely accurate.

48. Speaking on behalf of the members of the Committee, the CHAIRPERSON drew the delegation's attention to the fact that the Committee made use in its work of all available sources (governmental, non-governmental, press, etc.) to evaluate the situation in a particular country.

49. Mr. KHALAFOV (Azerbaijan) said that he had wished to make only a brief observation and assured the Committee members of his delegation's cooperation. In reply to Mrs. Jimenez Butragueño's question concerning Azerbaijan's accession to the Convention on the Elimination of All Forms Discrimination against Women, he said that the Azerbaijani Republic did indeed intend to implement the Convention and an initial report prepared in that connection had already been submitted and would be studied in January 1998. Concerning institutions providing instruction in the languages of the national minorities, he indicated that, following his country's independence, some new public institutions of higher education offering instruction in minority languages had been opened, particularly in regions where the minorities were most heavily concentrated. A number of teaching programmes in Azerbaijan had also been developed with the assistance of international organizations, including the United Nations Educational, Scientific and Cultural Organization (UNESCO).

50. With regard to the difficulties encountered in the education sector, he acknowledged that funding was insufficient at all levels. It had not, therefore, been possible as yet to complete the reform of the system of higher education. The selection procedure for admission to such institutions was now fairer, however, with students being chosen according to their abilities and academic performance. The Government was also pursuing a more liberal policy. Public institutions of higher education now enjoyed greater independence, and almost all the problems at that level had been resolved.

51. Concerning Azerbaijan's policy on languages, Mr. GADJIEV (Azerbaijan) said that Azeri was the official language and it was used in all educational institutions, but a person's free choice of language was entirely respected, for example, in court cases where interpretation services were necessary. With regard to religion, the Constitution of Azerbaijan guaranteed freedom of worship. As already indicated, the population of Azerbaijan included people of various denominations (Muslims, Christians, Jews). Azerbaijan had, furthermore, maintained the higher institutions in place before independence.

52. Replying to Mr. Wimer, Mrs. EIVAZOVA (Azerbaijan) said that all Azerbaijani citizens spoke their mother tongue and, for historical reasons, more than 80 per cent of the population also knew Russian. Azerbaijan had never considered bilingualism as a negative feature; on the contrary, it was something of which her country was extremely proud. The Government was, moreover, doing its utmost to maintain bilingualism. Regarding the status of women, the authorities had preserved the school system established under the Soviet regime, where school attendance had been compulsory for 10 years, and the State was providing assistance at all levels of education, from the kindergarten to the university. More than 60 per cent of people with higher education, about 70 per cent of teachers, approximately 80 per cent of doctors and other medical personnel and 15 per cent of members of Parliament were women. The only problem darkening the picture was in the regions hosting refugees, where normal conditions did not exist for the education of either girls or boys. Indeed, more generally, refugee women and children remained in a very precarious position (lack of food, medical care, etc.), despite the Government's financial efforts and assistance from the international community, and the authorities certainly still had much to do in that area. She reaffirmed that women were not discriminated against in Azerbaijan; in that regard, the country prided itself on its past and hoped to have every reason also to be proud of its record in the future.

53. Mr. WIMER said he had simply wished to have some more information about bilingualism in Azerbaijan and had certainly not been making any value judgement on the matter.

Article 15

54. Mrs. BONOAN-DANDAN remarked that no answers had been given to questions 41 and 42 in the written replies.

55. The CHAIRPERSON noted that the replies contained statistics, but no comment of any kind on those issues.

56. Mr. GADJIEV (Azerbaijan), referring to the question of the outflow of the "creative intelligentsia", said that 200 people had left the country - some of them being soloists, musicians and teachers, who were currently working abroad - and that the phenomenon seemed to be prompted largely by material needs. Azerbaijan considered it perfectly normal for a relatively developed country feeling the need for "masters" in a particular field to call upon persons from other countries. That was one way of contributing to cultural development. As to the impact of Azerbaijan's economic difficulties on the publication of books and periodicals, it should be pointed out that the country printed as many as 700 newspapers, only two of which were State-owned. All the others were independent publications in which various kinds of organizations (parties, non-official movements, and so on) set out their own positions. Azerbaijan was nevertheless having to cope with complex financial problems in that area, as well as with a lack of paper and equipment. The State was furthermore seeking to ensure the development of culture in general. Some 40,000 people were engaged in cultural activities. The world's first Muslim opera had been set up in Azerbaijan, and the country was also developing its own national music. The authorities were, in addition, endeavouring to protect the national heritage.

57. The members of the "creative intelligentsia" who had left the country were mainly Azeris. Since salaries were very low in Azerbaijan, it was not unusual for artists to take up invitations from other countries anxious to promote their own cultural development. As to the provision of school textbooks, the Government of the Russian Federation had donated to Azerbaijan books published in Moscow and intended for primary schools. The Government of Azerbaijan also produced its own teaching materials, which were supplied to schools without going through commercial intermediaries. The economic difficulties were, of course, affecting the quality of teaching, but the country had networks of libraries which functioned in every school and to which all pupils had access.

58. Mr. GRISSA said he was surprised to hear that the Government of the Russian Federation had donated school books to Azerbaijan. Unless they dealt with scientific subjects, they would surely have been produced in the Russian context and intended for Russian pupils. How had Azerbaijan adapted them to its own circumstances? Did the two countries have the same school curricula?

59. Mr. GADJIEV said that the books were meant for institutions teaching in Russian and for pupils who had opted to receive instruction in that language. Azerbaijan had, moreover, only recently become independent and its school curriculum was similar to the one in the Russian Federation. There was close cooperation between the education ministries of the two countries, involving exchanges of staff and experience.

60. The CHAIRPERSON said that the Committee had completed its consideration of the initial report of Azerbaijan. He thanked the delegation for having participated in the dialogue in a constructive spirit and announced that the Committee would adopt its concluding observations at a later meeting.

61. Mr. GADJIEV thanked the members of the Committee for their attention and patience. If some of his delegation's replies had caused surprise, that was largely because his country had little experience of participating in meetings at such a level. He recognized that there was still much to be done in Azerbaijan to implement each article of the Covenant, but he assured the Committee that no effort would be spared to that end. In that regard, the Government would take account of the Committee's observations and conclusions. The people of Azerbaijan were convinced that they would succeed in overcoming their current difficulties, that peace would be concluded with Armenia, that the refugees would return home and that Azerbaijan would again, like the other countries of the Caucasus, become a blessed land.

The public part of the meeting rose at 5.30 p.m.